IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

RPFC.No. 49 of 2003()

M.C.NO.536/1999 ON THE FILE OF THE FAMILY COURT, MANJERI.

RESPONDENT

ILLIKKAL ABOOBACKER S/O. ALAVI HAJI,
NAROKKAVU, VAZHIKKADAVU.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: PETITIONERS
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1. YACHERI KHADEEJA, AGED 19 YEARS,
D/O. MOHAMMED, NAROKKAVU, VAZHIKKADAVU.

2. YACHERI ASHRAF (MINOR), 3 MONTHS,
(REPRESENTED BY GUARDIAN MOTHER 1ST RESPONDENT)

BY ADV. SRI.M.P.PRABHANANDAN
SRI.SOJAN MICHEAL

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.4307/2003 IN R.P.(F.C).NO.49/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

19/11/2007

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K.R.UDAYABHANU, J.

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R.P.(F.C).No.49 of 2003-A

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Dated this the 19th day of November, 2007

O R D E R

The revision petitioner is the counter petitioner in M.C.No.536/1999, the proceedings initiated under Section 125 Cr.P.C, claiming maintenance for the three months year old child of the first respondent herein, then aged 19 years. The contention of the revision petitioner is that the marriage itself is void as the lady concealed pregnancy and that immediately after marriage he divorced. I find that the evidence adduced in the matter include Ext.P2 D.N.A fingerprint test result which mentions that it is confirmed that the alleged father is the biological father. In the circumstances, I find that the contention that the pregnancy was concealed and that he was duped to marry the first petitioner in M.C has no merits at all. The court below has rightly dismissed the contention of the revision petitioner herein. The maintenance ordered by the court below is only Rs.500/- per month which is only reasonable. I find no merits to interfere with the order of the court below. The revision petition is dismissed.

K.R.UDAYABHANU,
Judge

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